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Message of the President of the United States, and accompanying documents, to the two Houses of Congress, at the commencement of the second session of the Fortieth Congress : Report of the Secretary of the Interior, 1867

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Recommended Citation

H.R. Exec. Doc. No. 1, 40th Cong., 2nd Sess. (1867)

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M E S S A G E

OF THE

PRESIDENT OF THE UNITED STATES,

AND

ACCOMPANYING DOCUMENTS,

TO THE

TWO HOUSES OF CONGRESS,

AT

THE COMMENCEMENT OF THE SECOND SESSION

OF

THE FORTIETH CONGRESS.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1867.

TENNESSEE STATE LIBRARY

THE HISTORY OF THE UNITED STATES
OF AMERICA
FROM 1763 TO 1876
BY
JOHN P. KNOTT
VOLUME I
NEW YORK
PUBLISHED BY
THE AMERICAN BOOK CONCERN
1876

REPORT
OF THE
SECRETARY OF THE INTERIOR.

PART I.

TENNESSEE STATE LIBRARY

REPORT

OF THE

SECRETARY OF THE INTERIOR

PART I

ANNUAL REPORT

OF THE

SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, November 18, 1867.

SIR: I have the honor to submit a summary of the results which were attained during the last fiscal year, in the branches of the public service committed to the supervision of this department. The accompanying reports of the chiefs of bureaus and other officers furnish that specific information on matters of detail which could not be embraced in this paper without unduly extending its limits.

None of these branches occupies a higher place in the public regard than that which relates to the national domain. Much of this noble patrimony was acquired by cession from the States which won our independence. Successive additions to it have been made by treaties, the first of which was concluded with France in 1803, and the last with Russia, ceding to us her American possessions, which cover an area of 369,529,600 acres.

Our legislation has been adapted to the peculiar status of the territory acquired from foreign powers and to the adjudication of individual rights claimed under them. Experience has suggested salutary changes in the mode of disposing of the public lands. Credit on sales has been long since abolished. The right of pre-emption, originally conferred only by special enactment, has become a permanent part of our system. At a later period the homestead policy was engrafted upon it. In no respect has the wisdom of Congress been more strikingly displayed than in the adoption of a general and uniform method of public surveys. Until they are extended over the soil, the proprietorship thereof remains in the government. This policy offers a marked contrast to that of the nations which established colonies within our limits, and secures to the purchaser an indisputable right to a well-defined tract. Notwithstanding our settlements have progressed with a rapidity unequalled in the history of nations, few serious controversies have arisen in regard to titles emanating from the United States. Our present system is so simple and efficient, so well adapted to the wants of our population and the interests of the service, that it is not susceptible of much improvement. Such modifications as were needed to perfect it were alluded to in my last annual report. No necessity exists for making at this time more special reference to them.

During the last fiscal year 7,041,114.50 acres were disposed of, as follows:

	Acres.
Sold for cash.....	756,619.61
Located with military warrants	476,760
Taken for homesteads	1,788,043.44
Approved to States as swamp.....	1,066,450.15
Grants to railroads, wagon roads, and canals.....	533,168.52
Located with college scrip	2,420,072.73
	<hr/>
	7,041,114.50
	<hr/>

This quantity exceeds that disposed of during the previous year by 2,411,800 acres.

The cash receipts of the office from sales and fees of various kinds amounted to \$1,347,862 52; a sum greater than that received the previous year by more than half a million dollars.

During the last fiscal year and the quarter of the present year ending 30th September last, 550 Indian patents were issued, embracing 89,824 acres.

Under the several acts of Congress relating thereto, 275 patents for private land claims in California have been issued, embracing 4,363,300 acres.

Contracts have been entered into for surveying and marking the northern boundary of California, that portion of the eastern boundary of Oregon which lies due south of the confluence of Owyhee with Snake river, to the northern line of Nevada, and the northern boundary of New Mexico. It is recommended that appropriations be made for the survey of the northern and eastern boundaries of Colorado Territory and the northern and eastern boundaries of Nevada.

The report of the Commissioner evinces great labor and research. He discusses with his accustomed ability many questions in connection with the landed interests of the United States.

The last soldier of the Revolution who was on the pension rolls at the date of my last annual report, has since died. By special act of Congress two other veterans of that war have been placed on the rolls at the rate of five hundred dollars per annum. Of the widows of such soldiers there are on the rolls the names of nine hundred and ninety-seven; of these one hundred and nineteen were married prior to 1st January, 1800.

Of wars subsequent to the revolution and prior to the rebellion the number of pensioned widows and orphans of soldiers was one thousand three hundred and ten at the close of the last fiscal year.

During the past year, sixteen thousand four hundred and fifty-two new applications for invalid pensions of soldiers, at an aggregate annual rate of one million one hundred and eighty thousand one hundred and ninety-four dollars and seventy-two cents, and thirteen thousand nine hundred and forty-six applications for increased pension of invalid soldiers, at an aggregate annual rate of one million eighty-nine thousand and three dollars and sixty-two cents, have been examined and allowed. During the same period nineteen thousand six hundred and sixty original applications for pension by widows, orphans, and

dependent relatives of soldiers were admitted, at an aggregate annual rate of one million nine hundred and seventy-nine thousand and sixty-two dollars and sixty-seven cents. Of applications for increased pay by the same class, nineteen thousand three hundred and nine were admitted, at a total annual rate of one million one hundred and fifty thousand six hundred and forty-six dollars. On the 30th June, 1867, there were enrolled seventy thousand eight hundred and two invalid military pensioners, whose yearly pensions amounted to six millions four hundred and seventy-eight thousand four dollars and fourteen cents. and eighty-two thousand two hundred and ninety-one widows, orphans, and dependent relatives of soldiers, whose yearly pensions amounted to nine millions six hundred and sixty-four thousand seventy-five dollars and eighty-three cents, making the total aggregate of army pensions one hundred and fifty-three thousand and ninety-three, at a total annual rate of sixteen millions one hundred and forty-two thousand seventy-nine dollars and ninety-seven cents.

The whole amount paid during the last fiscal year to invalid military pensioners was six millions four hundred and twenty-eight thousand five hundred and thirty-two dollars and fifty-eight cents; to widows, orphans, and dependent relatives, eleven millions eight hundred and seventy-three thousand one hundred and eighty-two dollars and seventy-two cents; a grand total of eighteen millions three hundred and one thousand seven hundred and fifteen dollars and twenty-six cents, which includes the expenses of the disbursing agencies.

During the year ending June 30, 1867, there were admitted one hundred and thirty-seven new applications for invalid navy pensions, at an annual rate of ten thousand three hundred and seventeen dollars; two hundred and six applications for increased pensions of the same class at an annual aggregate of seventeen thousand eight hundred and ninety-two dollars; two hundred and thirty-three original applications of widows, orphans, and dependent relatives of those who died in the navy, at an aggregate rate of thirty-one thousand eight hundred and fifty-six dollars per annum, and one hundred and twenty pensions of the same class were increased at a total yearly rate of six thousand seven hundred and ninety-two dollars.

On the 30th June, 1867, on the rolls of the navy pensioners were the names of one thousand and fifty-four invalids, at an annual aggregate of eighty-nine thousand six hundred and fifty-two dollars and twenty-five cents, and one thousand three hundred and twenty-seven widows, orphans, and dependent relatives, at an aggregate annual rate of three hundred and five thousand seven hundred and forty-two dollars and twenty-five cents. The amount paid during the last fiscal year to navy invalids was seventy-seven thousand two hundred and forty-one dollars and twenty-eight cents, and to widows, orphans, and dependent relatives of officers and seamen of the navy two hundred and forty thousand nine hundred and ninety-nine dollars and ninety-two cents; a total amount of three hundred and eighteen thousand two hundred and forty-one dollars and twenty cents.

During the year there were added to the number of pensioners of all classes thirty-six thousand four hundred and eighty-two; there were seven thousand nine hundred and thirty-two dropped, from various causes, leaving on the

rolls, June 30, 1867, one hundred and fifty-five thousand four hundred and seventy-four. The total annual amount of pensions of all classes was sixteen millions four hundred and forty-seven thousand eight hundred and twenty-two dollars and twenty-two cents, and the amount paid was eighteen millions six hundred and nineteen thousand nine hundred and fifty-six dollars and forty-six cents, which includes expenses of disbursement.

During the year ending September 30, 1867, there were admitted nine hundred and fifty-four applications for bounty land warrants, requiring one hundred and forty-eight thousand nine hundred and sixty acres of land to satisfy them.

The invested navy pension fund now amounts to thirteen millions of dollars, and there is an uninvested balance of two hundred and twenty-nine thousand two hundred and forty-six dollars and thirty-seven cents. As the interest on the invested sum far exceeds the amount required for the navy pensions, Congress provided, by act approved March 2, 1867, for the increase of the pension of meritorious disabled officers, seamen, and marines. The Secretary of the Navy has favorably reported seven claims of this class. There is an urgent necessity for an increased appropriation for special investigation to prevent frauds upon the government in obtaining pensions. The amount saved to the government by such investigations has far exceeded the expenditures in conducting them, while their chief value arises from their preventive influence.

The pension act of July 14, 1862, is the most comprehensive and munificent ever made by any government for similar purposes. The administration of its provisions evinced the necessity of amending it in several essential particulars. A total disability entitled a pensioner to a fixed amount. A wound causing the loss of a right hand and one rendering the sufferer entirely and permanently helpless, were each rated at the maximum sum. The act in this regard has been wisely changed, and it would be difficult to suggest a more equitable rule than that which now exists, although it is subject to the infirmity of all general enactments, and occasionally fails to make full provision for an individual case. Former laws made no provision for relatives in the ascending or collateral lines. The act of 1862 first gave a pension to the dependent mother of the deceased soldier or officer, or, if there were none, to his orphan sisters under the age of sixteen years. The act of June 6, 1866, so amends the fourth section of the act of 1862 as to make its provisions apply to and include the orphan brother as well as sister, and the father as well as the mother. That section in its original shape made no mention of the mother, and it is very questionable, when the father and the orphan sisters are the only surviving relatives, whether the former or latter would be entitled to a pension, or whether they would not have a joint claim. The mother is regarded as having the exclusive right where the father is also living, but I suggest that the order in which the relatives should be entitled to take precedence, be more clearly defined by declaratory legislation.

The third section of the act of July 25, 1866, extends the act of 1862 and the acts supplementary and amendatory thereto, as far as applicable, to the pensions under previous laws, except revolutionary pensioners. The practical construction of this act by the Pension Bureau has limited its effect merely to the

specific increases allowed to pensioners, and does not recognize it as making a new class of pensioners, or as placing, in every respect, all pensions, except revolutionary, upon the basis of said acts. This construction may not give full effect, in the opinion of Congress, to the intent and purpose of the act; but should they not otherwise direct, it will be adhered to in the adjudication of all cases to which it applies.

The act of 1862 was enacted in reference to the then existing war. It was confined to diseases contracted or wounds received in the military or naval service, and in the line of duty, after March 4, 1861, and deaths resulting therefrom. Hostilities have ceased. I submit that an amendment should be made excluding the allowance of a pension by reason of death the result of disease hereafter contracted, except upon the occurrence of a future war. An examination of the various acts of Congress granting military pensions, commencing with that of March 16, 1802, fixing our military peace establishment, satisfies me that the amendment suggested is not only right and proper, but in keeping with our past legislation. That act provided that the widow, or if there were none, then the child of a commissioned officer, who should die by reason of a wound received in the actual service of the United States, should be entitled to receive, for the period of five years, half the monthly pay to which he was entitled at the time of his death. The act of June 29, 1813, conferred the same limited right upon the same condition, although war was then existing; and in 1816, after the termination of hostilities, the allowance to the widows or children of officers of the army was confined to instances where such officers had died during the war, or should thereafter die of wounds received in the service. In regard to the naval service, the provision was extended to widows, the death of whose husbands in the service was caused by disease contracted, or of casualties by drowning or otherwise, or of injuries received in the line of duty. Subsequent acts, in regard to the navy, renewed for a term of years the provision for half pay to widows.

The first section of the act of July 4, 1836, in reference to the widows of officers or enlisted men of the militia, including volunteers who had died since April 20, 1818, conferred a right to half pay when the officer or enlisted man died in the service, or in consequence of a wound received in service. The first section of the act of July 21, 1848, declares that the foregoing provision shall be applicable to all widows and orphans of officers or enlisted men of the army of the United States who were in the army of the United States on the first day of March, 1846, or at any subsequent period during the then war with Mexico. The second section extends the provisions to the widows or children of officers or enlisted men of the regular army, or volunteers, who had died since April 1, 1846, or who might die during the war with Mexico of wounds received or disease contracted during said war; provided that the death had occurred, or should thereafter occur, during the time that such officer or enlisted man was in actual service and in the line of duty, or while returning to his usual place of residence in the United States, after having been discharged upon a surgeon's certificate of disability, incurred from wounds received or disease contracted while in the line of duty, or on the march

to join the army of Mexico; and declares that the act shall not be applicable to the widows and orphans of officers or enlisted men who had not served in or upon the borders of Mexico. The act of February 2, 1849, construes the second section of the act of 1848 so as to make it applicable to all those whose husbands or fathers remained in the service to the day of their death, or who received an honorable discharge, or died after their return home, of wounds received or disease contracted during the war, and in the line of duty. Successive acts of Congress were passed, from time to time, to which I need not specially allude. They all seem, except in reference to the widows of revolutionary soldiers, to rest upon the obviously just proposition that in order to give a pension to the widow of an officer of the regular army, or to his children, if he died without leaving a widow, he must have died of a wound received, or else that the mortal disease was contracted during actual hostilities. Prior, therefore, to the act of 1862, neither the widow nor the children of such an officer were entitled to a pension by reason of his death resulting from disease contracted in time of peace, and such has been the ruling of the Pension Bureau.

The death of an officer in charge of a bureau in the War Department, by reason of disease contracted since the termination of the late war and during the time in which he was engaged in the performance of his official duties in this city, devolves upon his widow a pension right, not for a limited term of years, but during her widowhood. He is not subject to the imminent perils or to the exposure which in time of war make such havoc of human life. His duties are such as ordinarily appertain to an officer in the civil service. His appointment is for life, and assures him, under existing laws, pay and emoluments eighty-five per cent. greater than the salary of an officer of corresponding grade in the other departments, whose duties are equally laborious, and whose official tenure is far more precarious. This case is not exceptional. During peace the military is not in a greater degree than the civil officer exposed to casualties that endanger health, life or limb. The claim, therefore, of his widow upon the country, if he dies of disease then contracted, is not stronger than that of the widow of the civil officer, and our laws have never granted to the latter a pension by reason of the services and death of her husband. I recommend such an amendment of the law as will exclude from its benefits the widow or children of an officer of the army who shall die of disease not contracted, or from a cause not occurring during war and in the line of duty. The same provision should be applied to the navy, with such modifications as the arduous and peculiar character of the service may, in the opinion of Congress, require. Our legislation will then be in harmony with that which preceded the enactment of a law deemed expedient during a civil war in which the country needed the services of all her sons, and offered the highest rewards to those who, on the field or the deck, imperilled their lives in saving her from dishonor and death.

Under our present legislation a pension unclaimed for fourteen months after the same has become due is not payable at the agency for paying pensions, but must be adjusted at the Third Auditor's office and paid by warrant on the

treasury. No good reason exists for the continuance of this practice. It would be better to regard a failure during a longer period to demand payment as presumptive proof that the right thereto had ceased by the restoration of the invalid to health and physical ability, the remarriage of the widow, or the happening of some other condition which, by law, determines it. A new application would then be required. The applicant's name should be restored, and the accrued pension paid as other pensions, if the presumption arising from the lapse of time be overcome by the proofs.

The applications for pensions, notwithstanding they have increased in number by reason of the recent modifications of the laws, have been determined with the utmost despatch, under the supervision of the efficient chief of the bureau. His report is worthy of the highest encomium for its comprehensiveness, perspicuity and brevity.

Our Indian relations have assumed a new and interesting aspect. The steady approach of emigration to the grounds heretofore devoted to the chase, and the rapid progress of the railroads pointing towards the Pacific and traversing the country over which the Indians from time immemorial have roamed, imperiously demand that the policy of concentrating them upon reservations should, whenever practicable, be adopted. Until recently there was territory enough to supply the demands of the white race, without unduly encroaching upon the districts where the Indians subsisted by hunting. This condition of things no longer exists. Christianity and civilization, with the industrial arts, are spreading over the entire region from the Mississippi to the Pacific. The Indians are in possession of vast tracts of country, abounding in precious metals, or rich in sources of agricultural wealth. These invite the enterprise of the adventurous pioneer, who, in seeking a home and fortune, is constantly pressing upon the abode of the red man.

By an inevitable law, two races, one civilized and the other barbarous, are being brought face to face. The obligations which rest upon the government extend to both. Each is justly entitled to protection. Our duty requires us to devise a system by which civilization, with its attendant blessings, may be fostered and extended, and at the same time protection be secured to the tribes.

The estimated number of Indians is about three hundred thousand, spreading from Lake Superior to the Pacific ocean. Those east of the Mississippi, with few exceptions, are on reservations; so also are the tribes in Kansas north of the Arkansas, and those located between the western border of Arkansas and the country known as the "leased lands." Treaties were negotiated last winter with the Kansas tribes, and submitted to the Senate for its constitutional action. If ratified and in good faith executed, these tribes will be provided with homes, where they will soon become self-sustaining, as they have already adopted the habits of civilized life and become familiar with agricultural pursuits. They will then require from us little beyond protection against the intrusion of the whites, and the faithful performance of our stipulations.

A consideration of the proper policy to be pursued in respect to the wild tribes presents more difficult questions. As long as they cling to their nomadic habits, and subsist by hunting and fishing, encroachment upon their hunting

grounds—and it does not seem possible to prevent it—will necessarily lead to hostilities and a devastation of the frontier settlements.

The tribes within our borders are capable of civilization. The past furnishes gratifying evidence that well-directed and persistent efforts to that end will be rewarded with success. It is, however, a work of time. The arts of civilization but slowly displaced the primitive tastes and habits of our own race. It must be so with the Indian; he cannot immediately be transformed from the hunter to the farmer or mechanic. There are intermediate states through which he has to pass. He should be gradually won from the chase to a pastoral life, and under its influences he will ultimately acquire a taste for agricultural pursuits. The first step in the process of improvement is to localize the Indians. The same district should not be appropriated to the savage and the civilized, nor should tribes between whom hereditary feuds exist be brought together, as it would be followed by disastrous results. No objection is perceived to placing the civilized upon contiguous tracts; on the contrary, it is expedient to do so, and, as soon as their consent can be obtained, to subject them to the same system of government and laws. But such a policy is wholly inapplicable to the wild tribes; they require, in proportion to their numbers, much more territory, and can only be governed and controlled, and trained to habits of industry on separate and widely distant reservations, selected in view of their adaptation to grazing as well as tillage, and amply stocked by the government with large numbers of cattle, sheep, and goats. The Indian will discover that a herdsman's life affords a better and surer subsistence than a precarious dependence upon the chase. A desire for the acquisition of individual property will soon spring up, and should be gratified by appropriating to each adult a limited quantity of land for his exclusive use. A title thereto should be assured to him, and farming utensils furnished. He will then learn to cultivate the soil. The mechanic arts will follow. The schoolmaster, and above all the missionary, with the blessings and hopes of religion, will crown and perpetuate the work.

The unoccupied country west of the Missouri is of such vast extent that large regions, if properly selected, at points remote from the great lines of travel, may be reserved without detriment to any public interest. Long before the tide of emigration will reach them, they can, by an equitable arrangement with the Indians, be reduced to the dimensions required by the actual wants of an agricultural population.

The selection of suitable sites, and the removal of the Indians to them, cannot be accomplished in the short time allotted to the Commissioners appointed by the act of Congress of July last. Two commissions, each consisting of not less than three persons, should be appointed, and adequate means placed at the disposal of the Secretary of the Interior for the efficient completion of the work. No consideration of the time or expenditure likely to be required should be suffered to defeat an object of such surpassing importance. A guarantee against the useless consumption of time or money should be found in the character of the persons selected. The cost will be very inconsiderable compared with that of a war. Had a tithe of our outlay in military operations against the Indians during the present year been honestly and judiciously applied to purposes of

peace, the necessity of a resort to force would have been avoided. It is more humane and economical to subsist Indians than to fight them. A wise and just policy will soon relieve us from either necessity.

The salaries of the Superintendents of Indian Affairs and Indian agents are inadequate. Increased compensation would enable the department to secure the services of men of undoubted capacity and integrity, and tend to remove the temptation to commit those frauds, which, before and since the transfer of the Indian Bureau to this department, were and still are imputed to officers performing duties and sustaining relations to the Indians such as devolve upon this class of public servants. I take pleasure, however, in bearing testimony to the ability and fidelity of many now in the Indian service. Some of those of the greatest merit have announced their intention to resign on account of the insufficiency of their pay. Loss to the government and serious wrong to the Indians would be prevented by an appropriation for the employment of special agents, to investigate and correct, at remote posts, frauds and abuses, which cannot be properly dealt with by the instrumentalities now subject to the order of the Department.

The necessities of the service requires that a superintendent should be immediately appointed for each of the Territories of Colorado, Idaho, Montana, and Dakota.

During the year ending September 30, 1867, there were sixteen thousand five hundred and forty-seven (16,547) applications for patents; eleven thousand six hundred and fifty-five (11,655) patents (including reissues and designs) were issued; one thousand two hundred and twenty-four (1,224) applications were allowed, but patents have not issued thereon, by reason of the non-payment of the final fees; three thousand four hundred and eighty-six (3,486) caveats were filed; ninety-six (96) applications for extension were received, and eighty-two (82) extensions of patents were granted.

During the same period the receipts were six hundred and eleven thousand nine hundred and ten dollars and sixty-one cents, (\$611,910 61,) and the expenditures five hundred and fifty-three thousand five hundred and ninety-nine dollars and ninety-eight cents, (\$553,599 98,) leaving a balance of fifty-eight thousand three hundred and ten dollars and sixty-three cents, (\$58,310 63,) which added to two hundred and twenty-eight thousand two hundred and ninety-seven dollars and twenty-six cents, (\$228,297 26,) the balance on hand September 30, 1866, makes the amount now in the treasury to the credit of the patent fund, two hundred and eighty-six thousand six hundred and seven dollars and eighty-nine cents (\$286,607 89.)

In my last annual report I advised a repeal of the law conferring upon a party the right of appeal from the Commissioner of Patents to one of the judges of the supreme court of this District. Subsequent reflection has confirmed my conviction of the soundness of the views then presented. In no other instance is an appellate power given to a judge to affirm or reverse the action of an executive officer. This exceptional proceeding is essentially different from an action instituted in a court of original jurisdiction for a mandamus against an officer to

enforce the performance of a specific duty, or from that wherein an injunction is sought to restrain him from the commission of an act which would work irreparable injury to rights of property. Neither does it bear any analogy, even the most remote, to a suit in which either party thereto asserts a right or resists a claim resting upon an adjudication to which the other party was a stranger, and which was rendered by an executive officer, or a special tribunal, authorized to deal only between one party and the government. The court having cognizance of the suit may review such adjudication and correct errors of law or fact, to the prejudice of either party. This doctrine has been announced by the Supreme Court in suits where the title to land was in issue, and where a party relied upon the decision of the General Land Office, awarding a right of pre-emption or vacating an entry. It has also been applied in cases involving a claim to priority of invention, as an inquiry is not precluded by a patent in any court in which its validity is brought in question. A judicial determination of conflicting rights is final and conclusive on the parties and those subsequently claiming under them. The decision of the judge on appeal awarding a patent, even in interference cases, has not this, nor indeed any greater, force or effect than that of the patent bureau, and may be reviewed in the same manner when a proper case arises. I respectfully submit that an appellate authority over an executive officer should not be devolved upon a judge, especially where his decision upon the questions in controversy has not the properties or binding efficacy of a judgment at law, or a decree in equity. Delays are occasioned and expenses incurred by this objectionable and anomalous practice, without any compensating benefit to the inventor or the public.

The Union Pacific Railroad Company at the date of my last annual report had constructed its road to a point twenty-three miles west of the one hundredth meridian of longitude, being two hundred and seventy miles west from the initial point near Omaha. Since then you have accepted two hundred and twenty miles, and the government commissioners are now engaged in examining another completed section of twenty miles.

The point where the railroad crosses Crow creek at Cheyenne, five hundred and seventeen miles west of the initial point, was represented by the company to be at the eastern base of the Rocky mountains, and they requested that it should be so "fixed" for the purposes mentioned in the 11th section of the act of 1862, which confers a subsidy of \$48,000 per mile for a distance of one hundred and fifty miles westerly from such base.

You determined to defer final action until after a thorough personal inspection of the locality and the contiguous country should have been made by an experienced civil engineer. Mr. Jacob Blickensderfer, jr., was selected for that purpose and instructed to set forth in his report all the facts elicited by such inspection, and to accompany it with a map of the region and a profile of the proposed line of road. After accepting the appointment, he proceeded as far west as Dodge's Summit, stated to be the crest of the water shed of the continent, about thirty miles northwest of Bridger's pass, and examined the general formation of the ranges known as the Rocky mountains. South of Long's Peak these mountains consist of one single compact range, attain-

ing a great elevation, while north thereof they form three distinct ranges. One of these, the Black Hills, trends nearly north to Laramie Peak, where it divides into two branches. The second, the Medicine Bow range, divides the waters of the Laramie from those of the north fork of the Platte, and bears north-northwest to Elk mountain, near Fort Halleck, where it also divides into two branches termed the Rattlesnake Hills. The third, taking a direction nearly northwest to Bridger's pass, Dodge's Summit, and South pass, divides the waters which flow into the Atlantic from those which flow into the Pacific.

From the point of divergence near Long's Peak, these ranges rapidly decline in elevation to the northward, while the intervening country approximates in altitude to that of the mountains themselves. The passes of the Black Hills, although much lower than those south of Long's Peak, within the drainage of the Platte, are nevertheless considerably higher than those of the Medicine Bow range or of the water shed of the continent between Bridger's pass and South pass. The approaches to the Black Hills, especially from the east, are abrupt, and the crest is comparatively sharp and marked by bold, rocky elevations, which form distinguishing landmarks, visible at a great distance. The ascent to the crest of the water shed is so gentle as to be scarcely perceptible, and the crest itself is a wide, open plain, free from rocks or bold elevations, and its inclinations for miles of extent can be determined only by the aid of instruments.

The located line of road crosses the three ranges formed by the Black Hills, the Medicine Bow mountains or their continuations, the Rattlesnake hills, and the watershed proper. The altitude above tide-water of the points where it strikes them, respectively, is as follows: Black Hills eight thousand two hundred and forty-two feet; Rattlesnake Hills seven thousand one hundred and thirty-two feet, and Dodge's Summit seven thousand one hundred and eight feet. The height of the country between these summits may be inferred from the elevations at the following places, to wit: seven thousand one hundred and fifty feet at Fort Sanders, beyond the western base of the Black Hills; six thousand five hundred and sixty-nine feet at the crossing of the Medicine Bow river, the lowest point touched by the railroad line between the Black Hills and Rattlesnake Summit; six thousand four hundred and eighty-four feet at the crossing of the north fork of the Platte, the lowest point between Rattlesnake and Dodge's Summit. It appears that the Black Hills loom up more than a thousand feet above the crest of the water shed of the continent, and that the region between them is nowhere greatly depressed below the latter, except in the immediate valleys of the water-courses. Mr. Blickensderfer is of opinion that a line of railway will encounter at the Black Hills greater obstacles and require in its construction a much greater outlay than in passing over either of the ranges west of them. The country known as the Laramie plains, and situate between the Black Hills and the water shed of the continent proper, is essentially mountainous, being but elevated tableland hemmed in by mountains, and when examined found to possess but few of the characteristics of a plain. These interesting facts in regard to that distant region satisfied him that the Black Hills constitute a prominent portion of the Rocky mountains, and that the eastern base of the latter is reached by the road

at a point on those hills six and six hundred and thirty-seven one-thousandths ($6\frac{637}{1000}$) miles west of Cheyenne, and, according to the railroad surveys, five hundred and twenty-five and seventy-eight one-thousandths ($525\frac{78}{1000}$) miles west from the eastern terminus of the road.

Upon a consideration of the report and the maps accompanying it, you concurred in the recommendation of the department, and ordered that the point so described should be considered, in the administration of the acts of Congress for the purpose therein mentioned, as the eastern base of the Rocky mountains. The Secretary of the Treasury and the railroad company have been informed of your order.

Reports from the government directors, dated July 23 and August 16, 1867, gave a very favorable report upon the location of the road and the energy with which the work was being prosecuted. Two machine shops were in full operation—one at Omaha, costing two hundred and fifty thousand dollars, (\$250,000,) and another at North Platte, costing twenty thousand dollars, (\$20,000,)—employing three hundred and fifty (350) men, with a capacity to make twenty (20) cars per week, and repair all the machinery and rolling stock of the road. At the latter date the company had thirty-five hundred (3,500) men employed in grading the road-bed, and four hundred and fifty (450) in laying the superstructure.

The company, under date of the 11th of October, report that the road during the present year would probably be extended to a point 537 miles west of Omaha, and that station buildings, engine-houses, water stations and the telegraph line to meet the wants of the road had been built. Shops and an engine house have been commenced at Cheyenne. The grading, masonry and bridging in the mountain regions were in active progress. The road has been definitely located 600 miles, and the earthwork will be finished to that point the present year.

The surveys of the line have been revised through to Salt Lake. A reconnaissance of the various routes has been made by the chief and consulting engineers, in order to secure the most favorable location which the topographical features of the country will admit. The Indian raids in the course of the past season have seriously interrupted the progress of the engineers. Great vigilance on the part of surveying parties, and their protection by military escorts, have been indispensable.

The total cost of the road to October 1, 1867, (unadjusted accounts with contractors not included,) amounts, according to the report, to.. \$21,757,488 79

Of this sum there was received from—

Capital stock.....	\$5,369,750 00
United States bonds.....	7,280,000 00
First mortgage bonds.....	4,090,000 00
Land grant bonds.....	3,000,000 00
Unfunded debt and cash.....	1,661,424 04
Income from earnings.....	356,314 75

21,757,488 79

The road on the 1st of July, 1867, was in operation to Julesburg, 377 miles,	
and receipts from all sources amounted to	\$1, 015, 195 29
And expenses to	658, 880 54
	<hr/>
Leaving the net earnings	356, 314 75
	<hr/>

The receipts of the road from travel, emigration, and the business of the region tributary to it were greatly diminished in consequence of Indian difficulties.

The rolling stock consists of 53 locomotives, 15 passenger and 875 other cars.

The company express their intention to prosecute this enterprise with the vigor and efficiency that have thus far characterized its advancement.

On the 24th of October last you accepted, upon the report of the government commissioners, a section of twenty miles of the Central Pacific railroad of California, terminating at a point ninety-four miles distant from Sacramento.

On the 28th of January last, the vice-president of the company filed a map showing the definite location of said railroad from the Big Bend of the Truckee to Humboldt Wells. From the best information at my command, it appeared that this route possessed great advantages over all others, and I gave my "consent and approval" to the location, pursuant to the authority conferred by the second section of the act approved July 3, 1866, and forwarded the map to the Commissioner of the General Land Office, with directions to adjust the grant of lands upon the basis furnished by it.

On the 22d of July, 1867, this company forwarded to the department a map of a location from Humboldt Wells, via the north pass of Pequop and Toano mountains, the north point of the Ombe mountains, Red Dome Pass, and the north end of Salt Lake, to Weber river, a distance of two hundred and fourteen miles. The report of the chief engineer accompanying the map states that this line is the most direct and advantageous of the three that had been surveyed eastwardly from Humboldt Wells. It appears that the highest point is six thousand two hundred feet above the sea, and five hundred and eighty-five feet above Humboldt Wells, and is reached through a narrow valley with a grade of seventy feet per mile. From this height the line descends with a nearly uniform grade of six feet per mile for thirty-four miles through the north pass of the Pequop mountains, and along the slopes of the latter to the north pass of the Toano mountains. From thence it passes along a valley from one-eighth to a mile in width to the eastern base of those mountains, making the descent of seventeen miles with a grade ranging from sixty-two to seventy feet per mile. Seventy feet is the highest grade found on the line, and it occurs for short distances at two other places besides those mentioned. No very difficult or expensive rock cutting is required on this route. I informed the company that I was not prepared to approve this location.

A report upon this road, dated October 7, 1867, has been received from the government commissioners. They state that it crosses the Sierra Nevada mountains one hundred and five miles from Sacramento, at an elevation of seven thousand and forty-two feet above the sea. From the point where it was then built nine hundred and seventeen feet only must be overcome to reach the sum-

mit, a distance of eleven miles. Between the 77th and 137th mile-posts there are fifteen tunnels of an aggregate length of five thousand one hundred and sixty-six feet. During the past year about fifty miles of road have been in progress of construction; the greater part lying on the eastern and western slopes of the Sierra Nevada. Eighteen miles of the portion on the eastern slope are graded, and the track is being laid at the rate of about one-half mile per day. By the time these eighteen miles are laid, six more will probably be graded and ready for the track-layers, making in all twenty-four miles east of the summit. On the western slope a larger force of laborers is at work, and it is believed that with a favorable season the grading will be completed and the track laid over the summit before the snow occasions a suspension of work. The company have not been able, during the past season, to procure the requisite number of laborers, but it is expected that next season this difficulty will be removed. There is on hand iron sufficient to lay one hundred and ten miles of track, and enough more *in transitu* to lay fifty additional miles. In the snow belt the rails used weigh sixty-three pounds to the linear yard, and are put together with fish-joints instead of chairs. At Sacramento, the company have erected, along the river front, wharves and derricks capable of moving an immense freight from vessels to the cars. There are twenty-seven locomotives in use, and twenty more, with material for two hundred and fifty cars, are on the way from Atlantic ports. There is on hand material for seventy-five cars. Eight locomotives recently purchased are being set up. The company report to the commissioners that thirty-seven thousand seven hundred and thirty-eight acres of land, granted to aid in the construction of the road, had been sold for seventy-seven thousand five hundred and seventy dollars, (\$77,570,) the greater part upon a credit of five years.

The following table gives the gross earnings and expenses for the years 1865 and 1866, and for 1867 up to September:

Years.	Gross earnings.	Operating expenses.	Net earnings.
1865.....	\$401,965 33	\$122,375 30	\$279,590 03
1866.....	864,976 82	200,722 96	664,253 86
1867.....	804,826 53	197,974 13	606,852 40
Total.....	2,071,768 68	521,072 39	1,550,696 29

The net profit, therefore, over operating expenses in thirty-two months is the large sum of one million five hundred and fifty thousand six hundred and ninety six dollars and twenty-nine cents (\$1,550,696 29.)

Since the commencement of business operations, the company represent that they have paid to the United States government for taxes, stamps, &c., the sum of two hundred and eighty-eight thousand dollars (\$288,000.)

At the date of my last annual report the Union Pacific Railway Company, eastern division, had constructed its road to Fort Riley, one hundred and thirty-five (135) miles west from the initial point on the line dividing the States of

Kansas and Missouri. Since that date this company has constructed one hundred and fifty (150) miles of its road, which you have accepted. The government commissioners are now examining an additional section of twenty miles, completing the road for a distance of three hundred and five (305) miles from said initial point. The company report the road as provided with round-houses, repair-shops, turn-tables, water tanks, sidings, &c., sufficient to meet the immediate wants of business, and that the necessary warehouses and depot buildings have been erected at the stations for the accommodation of passengers and freight.

The equipment now in use consists of twenty-five (25) locomotives, eighteen (18) passenger and seven hundred and thirty-six (736) other cars. Contracts have been made for two locomotives, two passenger and one hundred and forty (140) other cars. Iron has been ordered sufficient to complete the road to the 335th mile, nearly all of which has been delivered.

The aggregate earnings of the company for ten months and fifteen days, from October 15, 1866, are represented to have been one million two hundred and twenty-six thousand four hundred and eighty-three dollars and eight cents, (\$1,226,483 08). It is also represented that during the same period the business done for the government amounted to three hundred and fifty-eight thousand nine hundred and forty-nine dollars and forty-nine cents, (\$358,949 49;) that the fifty per cent. retained therefrom is in excess of the interest paid by the government on the bonds issued to the company during ten months and fifteen days, six thousand one hundred and eighty-nine dollars and fifty-three cents (\$6,189 53.)

A table is submitted showing that the amount retained by the United States Treasurer from that due the company on the government business, for the month of August last, is nearly eight per cent. per annum of the principal of the bonds issued to the company on account of the construction of the road. This would repay the principal at no distant period by the government business alone, should it be continued to the same extent. The payment of the bonds at maturity is therefore considered by the company to be fully assured, and the road as being built, so far as the government is concerned, simply by the loan of its credit for a term of years upon ample security, and without the actual expenditure of a single dollar from the public treasury. The company have organized and sent into the field, during the past year, three large surveying parties, and have already had careful instrumental examinations made, covering an aggregate distance of more than 1,300 miles. Two lines have been run from Fort Wallace to Denver, and an advantageous route discovered. One has been surveyed from Fort Wallace to the Arkansas river, and thence up the Purgatory valley, through the passes of the Raton mountains, to Fort Union, and with two lines thence, through the easternmost range of the Rocky mountains, to Albuquerque and Fort Craig, on the Rio Grande. Another has been examined up the valley of the Huerfano river, through the Sangre de Christo Pass, *via* Fort Garland, to the Rio Grande, and thence, *via* Santa Fé, to Albuquerque. Surveying parties, organized into two divisions, are now making a careful survey of two general routes from the Rio Grande to the Pacific—one along the thirty-fifth parallel west from Albuquerque; the other from Fort

Craig, along the thirty-second parallel, by what is known as the Gila route. The surveys have met the most favorable anticipations. At no point will the grades exceed the maximum allowed by law for the Pacific railroad, and such grades will be for short distances, and at only two or three points between Fort Wallace and the Rio Grande. The highest altitude attained on this line is 7,846 feet above tide-water. The company express the conviction that had the work not been delayed by unexpected difficulties with the Indians, the road would have been finished to Fort Wallace by the end of the present year, and they have every reason to expect that it will reach a point 335 miles west from the Missouri river by the 31st proximo.

Forty miles of the road of the Central Branch Union Pacific Railroad Company have been accepted since the date of my last annual report, and the government commissioners are now engaged in examining another section of twenty miles.

This company, after the Union Pacific Railway Company, Eastern Division had vacated its line along the Republican fork of the Kansas river, claimed that, under existing laws, they were entitled to extend their road from its intersection with such vacated line, and on the latter to the one hundredth meridian, and to receive, in aid of the construction thereof, the same subsidy in lands and bonds per mile as for the first hundred miles of their road. The department, February 19, 1867, rejected the claim upon the ground that the promised subsidy was confined to "one hundred miles in length next to the Missouri river." The lands on such vacated line, that had been originally withdrawn, were, therefore, restored to their original status.

It appears from the company's report, dated the 11th of October last, that the road has been definitely located for one hundred miles, and terminates in the valley of the Little Blue river, near the mouth of Coon creek, in township four, range six, east of the sixth principal meridian, in Marshall county, Kansas. The construction of bridges occasions a heavy expense. The most important is that across the Big Blue river, four hundred and thirty-four feet in length, and thirty-one feet above low water. The equipment of the road consists of six locomotives, two passenger and one hundred and forty-four other cars. A substantial round-house, with stalls for six locomotives, a machine shop, and commodious depot buildings have been erected. Other buildings are in process of erection. A ferry, with a first-class side-wheel boat, has been established by the company on the Missouri river, at Atchison, for the accommodation of the road.

No report has been received from the Sioux City and Pacific Railroad Company, and the department has not been advised of the construction of any portion of the road.

The first section of the Western Pacific Railroad Company, of California, twenty miles in length, was accepted on the 14th day of December last. No work has since been prosecuted.

Commissioners examined the road of the San Francisco and San José Railroad Company, and reported, under date of February 9, 1866, that, in its construction and equipment, it fully attained the standard of excellence prescribed by the Pacific railroad acts. The company made claim to an acceptance by the

government of the road, and to bonds and lands. Their agent was verbally informed that an allowance of the claim, so far from being warranted, was, in the opinion of the department, positively forbidden by law. Subsequently, on the production of additional papers, I received a communication, in which the views of the company on the subject were presented. After full consideration, I was constrained to adhere to the conclusion previously announced. I stated, however, that if I had failed to recognize the just rights of the company, Congress would, no doubt, at its approaching session, furnish an appropriate remedy. The subject is submitted for consideration.

The seventh section of the act approved July 1, 1862, seems to require, upon a map being filed designating the route of the Union Pacific railroad, or any branch thereof, that all the lands situate within fifteen miles on each side of the route should be withdrawn from pre-emption, private entry and sale. This distance is increased to twenty-five miles by the amendatory act of July 2, 1864. One of my predecessors, however, directed that the order of withdrawal should not apply to the even-numbered sections reserved by the government. The present practice, in conformity with this precedent, therefore authorizes a settlement on such sections, and, if they were surveyed at the date of settlement, recognizes the right of the settler to enter his claim either under the pre-emption or homestead laws. Conflicting opinions have been entertained by my predecessors as to the applicability to these lands of other acts of Congress prescribing the price of the even-numbered or reserved sections within certain prescribed distances from railways. The practice in this regard has not been uniform. The settler is now required, on entering these lands, to pay therefor the double minimum price. The acts of 1862 and 1864 are silent on the subject, and I respectfully submit that the question should be determined by the authoritative action of Congress.

In a recent pre-emption case, contested by the Central Pacific Railroad Company of California, it was decided by the department that the grant embraces the unsurveyed as well as the surveyed lands traversed by the route of these roads. An actual settler cannot, therefore, by settlement upon lands of either description which fall within the operation of the grant, inaugurate a valid pre-emption right thereto, after the local officers, pursuant to instructions, have withdrawn or withheld such lands. The proviso in the act of 1864, which declares that the grant shall not defeat or impair any pre-emption or other lawful claim, has exclusive reference to such claims as had lawful inception at the date when the right of the road attached.

The Northern Pacific Railroad Company report that two surveying parties from Lake Superior and two from the Pacific coast have been actively engaged in the field. Explorations have been made, and the company are of opinion that a practicable route will be found. No portion of the road has been constructed.

The Atlantic and Pacific Railroad Company, by a resolution of its board of directors passed November 20, 1866, accepted the terms, conditions, and impositions of the act approved July 27, 1866, granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to

the Pacific coast. A map was subsequently filed showing the location of the road from Springfield, Missouri, to the western boundary of that State. Upon the basis of this map the Commissioner of the General Land Office was directed to withdraw the lands. The 18th section of this act authorizes the Southern Pacific railroad, a company incorporated under the laws of the State of California, to connect with the Atlantic and Pacific railroad near the boundary line of California, and gives it a similar grant of lands. The latter company filed an acceptance of the terms and conditions of said act, and a map showing the preliminary survey of the road from San Francisco to the Colorado river. The Commissioner of the General Land Office was instructed to withdraw the lands along the line represented upon that map.

The bridges across the Big Sioux river and the Vermillion, on the line of the wagon road between Sioux City and the mouth of the Big Cheyenne, have been completed. The James river bridge is unfinished. The balance of the appropriation is twelve hundred and fifty dollars (\$1,250.)

I have declined ordering a resumption of work on the projected road from the mouth of the Big Cheyenne to a point on the Niobrara road, in consequence of the hostile attitude of the Indians. The unexpended appropriation applicable to this road is twelve thousand one hundred and fifty-seven dollars and seventy cents (\$12,157 70.)

The Superintendent of the wagon road from Virginia City, Montana, to Lewiston, reports that it is impossible to grade and open such a road between those termini, and that a construction of one for a part of the distance would be of very little utility, as there is no local business. His efforts were directed to opening a track for the passage of loaded pack-trains; that being the only method by which goods could be transported from Columbia river to Montana. There remains of the appropriation, unexpended, eight thousand and twenty-five dollars and twenty-four cents (\$8,025 24.)

The architect in charge of the Capitol extension reports the completion of the portico of the south wing, and reiterates the opinion expressed in his previous reports, that the central portico should be extended to correspond with those of the wings.

The skylights of the halls of the Senate and House of Representatives are, on account of their great dimensions, peculiarly sensitive to variations in temperature, which occasion frequent fractures. It is proposed to substitute for them others of the same description as those placed in the Supreme Court room.

There are serious objections to appropriating the committee rooms in each wing as depositories of public documents. They are needed for the uses for which they were originally designed, and the floors and walls are being injured and defaced. It is desirable that arrangements should be made for storing the documents elsewhere.

The chambers occupied by the Supreme Court, law library, and Court of Claims, and the passages between the Senate wing and the rotunda, are warmed with improved heating apparatus; but the rotunda and the old hall of the House of Representatives are cold and often damp in winter, to the prejudice of the

health as well as comfort of visitors. It is recommended that they be warmed in the same manner as the other passages.

If the Capitol grounds be extended to C streets north and south, as recommended by the architect, the Capitol would occupy about the centre of the enlarged area. It is universally conceded that the present limits are entirely too contracted. Justice to the adjoining proprietors requires that it should at an early day be determined to what extent their property contiguous to those limits will be needed for public uses. Squares numbered 575, 576, 687, and 688 were appraised in 1860, by authority of Congress, as a preliminary step to their purchase. All permanent improvement of the property was suspended. The Senate subsequently passed a bill providing for the purchase of the squares, but limiting the price thereof to the appraisal of 1860. The value of real estate in that portion of the city has since then greatly enhanced. In view of these facts, the holders of this property have presented a memorial to this department urging that three disinterested appraisers be selected—one by the government, one by the property owners, and the third by these two; that Congress shall at once decide what grounds shall be purchased, and direct their value to be fixed by the appraisers. The propriety of early legislative action is suggested.

The work upon the north portico of the Department of the Interior is nearly finished. An estimate has been submitted of the amount necessary for completing it and paving the street.

The following statement shows the amount advanced to marshals of the United States for the year ending June 30, 1867, for defraying the expenses of the courts of the United States, including fees of marshals, jurors, and witnesses, maintenance of prisoners, and contingencies of holding the courts :

Alabama, northern district	\$2,971 00
Alabama, southern district	27,037 00
Arkansas, eastern district	7,479 00
Arkansas, western district	16,896 00
California	13,902 00
Connecticut	5,677 00
Delaware	2,014 61
District of Columbia	84,769 50
Florida, northern district	4,532 00
Florida, southern district	12,344 85
Georgia	15,774 50
Illinois, northern district	14,411 00
Illinois, southern district	24,129 00
Indiana	30,558 00
Iowa	25,491 00
Kansas	21,469 00
Kentucky	44,053 00
Louisiana	31,634 00
Maine	16,935 50
Maryland	22,273 00
Massachusetts	56,614 43

Michigan, eastern district.....	\$36,411 76
Michigan, western district.....	17,512 79
Minnesota.....	17,364 00
Mississippi, northern district.....	3,007 00
Mississippi, southern district.....	7,915 25
Missouri, eastern district.....	37,000 00
Missouri, western district.....	13,289 68
Nebraska.....	14,168 48
Nevada.....	18,863 00
New Hampshire.....	5,861 00
New Jersey.....	28,989 77
New York, northern district.....	102,600 00
New York, southern district.....	57,000 00
New York, eastern district.....	21,589 00
North Carolina.....	6,000 00
Ohio, northern district.....	42,340 00
Ohio, southern district.....	40,838 00
Oregon.....	3,222 00
Pennsylvania, eastern district.....	33,905 00
Pennsylvania, western district.....	27,060 00
Rhode Island.....	8,230 00
South Carolina.....	21,877 00
Tennessee, eastern district.....	8,221 86
Tennessee, middle district.....	2,616 00
Tennessee, western district.....	16,195 00
Texas, eastern district.....	20,335 00
Texas, western district.....	11,844 00
Vermont.....	5,723 00
Virginia.....	6,125 00
West Virginia.....	8,081 79
Wisconsin.....	9,653 02
Arizona.....	10,000 00
Dakota.....	5,632 00
Colorado.....	9,564 95
Montana.....	10,278 00
Utah.....	6,000 00
New Mexico.....	11,936 00
Washington.....	15,000 00
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	1,203,214 74
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The amount paid to district attorneys, their assistants and substitutes, for the same period, was one hundred and forty-six thousand nine hundred and forty-five dollars and twenty-nine cents, (\$146,945 29;) to United States commissioners, fifty thousand six hundred and forty-three dollars and fifty-five cents, (\$50,643 55;) to clerks of the courts of the United States, seventy thou-

sand eight hundred and ninety-five dollars and twenty-five cents, (\$70,895 25;) and for miscellaneous expenditures one hundred and fifty-seven thousand, eight hundred and thirty-seven dollars and sixty-seven cents (\$157,837 67.) Of this sum, sixty-six thousand and ninety-two dollars and ninety-seven cents, (\$66,092 97) were paid for rent of buildings for the accommodation of the courts and their officers.

By an act of Congress approved May 12, 1864, the Secretary of the Interior was authorized to designate some suitable prison or penitentiary, and to contract with the authorities thereof for the confinement of persons convicted of crime, the punishment whereof is imprisonment, and sentenced by the courts of the United States in a district or territory where, at the time of such conviction, there should be no suitable prison or penitentiary. Under the authority so conferred my predecessor made contracts with the House of Correction at Detroit, and the Iowa State penitentiary, for the subsistence and employment of all convicts sentenced by the courts of the United States for the several Territories to imprisonment at hard labor. The former institution receives under the contract only such whose term of sentence was two or more years. Prisoners have been sent to these prisons from the Territories of Colorado, Nebraska and Montana. The act further provides that if in the opinion of the Secretary of the Interior the expense of transportation will exceed that of maintaining the convicts in jail in the Territory during the period of their sentence, it shall be lawful so to confine them. None have been sent from any of the other Territories, as, in the opinion of my predecessors, in which I concur, the expense of their transportation would far exceed the cost of maintaining them in jails in the Territories.

An act entitled "An act setting aside certain proceeds from internal revenue for the erection of penitentiaries in the Territories of Nebraska, Washington, Colorado, Idaho, Montana, Arizona, and Dakota," approved January 22, 1867, appropriated the net proceeds of the internal revenue of said Territories for the fiscal year ending the 30th of June, 1866, and the two succeeding years, for the purpose of erecting, under the direction of the Secretary of the Interior, penitentiary buildings in said Territories, at such place therein as had been or might be designated by the legislatures thereof and approved by him. The amount to be expended therefor was not to exceed twenty thousand dollars (\$20,000) in Washington Territory, nor forty thousand dollars (\$40,000) in either of the other Territories. The attention of the governors of these Territories was invited to the subject, and they were requested, when the territorial legislatures had passed an act designating the place for the erection of such penitentiaries, to transmit a duly certified copy thereof to this department. Advices have been received only from Washington and Montana.

The ninth section of an act to enable the people of Nebraska to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States, approved April 19, 1864, (Statutes at Large, volume 13, page 47,) provides that fifty entire sections of land, to be selected and located by direction of the legislature thereof, on or before the first day of January, 1868, should be, and they were thereby, granted

to the State of Nebraska on her admission into the Union, in accordance with certain provisions of that act, for the purpose of erecting a suitable building for a penitentiary or State prison, in such manner as the legislature shall prescribe. The State was not admitted under that act. An act entitled "An act for the admission of the State of Nebraska," passed February 9, 1867, declares the State of Nebraska to be entitled to the rights, privileges, grants, and immunities, and subject to all the conditions and restrictions of said act of April 19, 1864. The proclamation of the President contemplated in the third section of the act of 1867 was issued March 1, 1867. Nebraska, on her admission to the Union, was entitled to the grant of lands for the specific purpose of erecting a State prison. Her admission occurring after the passage of the act of January 22, 1867, changed entirely her pre-existing relations with the United States. That act regarded her only as a Territory, and did not authorize the building of a penitentiary within the limits of a State.

I have been informed by the Secretary of the Treasury that the entire amount appropriated for building these penitentiaries in Washington, Colorado, Montana, and probably Idaho, has been received and is available for that purpose. In Arizona and Dakota the revenue is inconsiderable, and the expense of collecting it so nearly exhausts the receipts that at the date of the Secretary's communication there was no available balance that could be applied to this purpose.

The legislature of Washington passed an act designating certain persons therein named, as a board of commissioners to superintend the erection of the penitentiary at such place as they might select in the county of Pierce, at or near the town of Steilacoom. By this act the entire control of the building is assumed by the Territory. It provides for the appointment of a person to superintend its erection, and authorizes the employment of the territorial convicts thereon, and for the payment into the treasury of the Territory of such sum from the penitentiary fund as their labor may be worth. The legislature seems not to have been fully aware of the provisions of the act of Congress. The latter makes it the duty of the Secretary of the Interior to approve the site, and provides that the buildings shall be constructed under his direction. No action can, therefore, under existing circumstances, be taken in the premises by the department. It is presumed that the legislature will amend its legislation so as to make it conform to that of Congress.

An act has been passed by the legislature of Montana locating the penitentiary at Argenta, and appointing commissioners to select a suitable site for said penitentiary at that place. The commissioners have performed that duty, and have made a report thereof to this department. At an early day steps will be taken to have the building erected in accordance with the provisions of the act of Congress.

The Warden of the District Jail reports that on the 1st of November there were in his custody one hundred and thirteen prisoners, of whom forty-three were white and seventy colored. During the year preceding that date, twelve hundred and forty-one persons were committed, seventy-nine of whom were convicted and sentenced to imprisonment at Albany. The present officers consist of a warden and fourteen guards. The expense of the jail for said year, including

the cost of transporting prisoners to the penitentiary at Albany, was thirty thousand seven hundred and thirty-six dollars and forty-eight cents, (\$30,736 48.)

Pursuant to the requirements of a joint resolution, approved March 2, 1867, I examined the public grounds deemed available for the purpose, and selected as a site for a new jail in the District the parcel of land known as reservation, numbered seventeen, situated at the intersection of New Jersey and Virginia avenues, in the city of Washington. The "perfected plans" of the building were approved by a board of disinterested and competent engineers and architects, and public notice of the "letting of the contract" was given in the mode prescribed by law. After a careful consideration of the proposals, I accepted such as offered the best terms to the government. The contractors have executed bonds with acceptable security, conditioned for the faithful performance of their engagements, and I trust that the work may, without interruption, be prosecuted to an early completion.

Congress, at its last session, made no provision for the House of Correction for this District. Of the twelve thousand dollars (\$12,000) appropriated at the preceding session, eight thousand dollars have been paid to the treasurer. Five thousand five hundred and five dollars and fifty-three cents (\$5,505 53) have been expended by him upon the order of the trustees in repairing and furnishing the temporary building upon the government farm, in an attempt to render it fit for the reception and detention, for the time being, of juvenile offenders. One thousand four hundred and fifty-seven dollars (\$1,457) have been spent in the employment of a watchman and for other purposes, of which the report of the board does not furnish specific information. The trustees are of opinion that the building now occupied cannot be adapted to any permanent use. For the erection of one such as is required, they suggest that an appropriation of one hundred thousand dollars (\$100,000) is necessary, and they request an additional appropriation of twenty-five thousand dollars (\$25,000) to meet the current expenses of the institution. They have furnished no detailed estimate, and I submit the subject for consideration.

I earnestly invite attention to the views expressed in the last annual report of this department, touching the law directing the imprisonment of juvenile offenders sentenced by the federal courts. A modification of its provisions is indispensable to give it practical effect in many parts of the country.

The Metropolitan Police force consists of 238 men, of whom six are detectives. They made 20,075 arrests during the past year, 3,783 of which were of females, and 6,136 were of colored persons; 13,224 of the alleged offences were against the person, and 6,851 against property; 12,167 of those arrested were unmarried, and 7,373 could neither read nor write; 971 were committed to jail; 334 gave bail for appearance at court; 200 were turned over to the military; 6,330 were dismissed; 1,967 were sent to the work-house; and 576 gave bonds to keep the peace. In 569 cases, various light punishments were inflicted; fines, to the amount of \$38,098 45, were imposed in 9,128 cases. 184 lost children were sent home; 3,473 destitute persons were furnished with temporary lodgings, and 131 were assisted or taken to the hospital. The detective force made 462 arrests; recovered stolen or lost property to the amount of \$15,691 40, and performed

other labors, which do not admit of record. The sanitary company of the police have been actively employed, and with evident advantage to the health of the city.

This department suggested, in the last annual report, the expediency of creating a court for the trial of offences of a minor grade, and the subject is again presented for consideration.

During the year ending 30th of June, 1867, there were admitted to the Government Hospital for the Insane one hundred and nine patients, of whom eighty-eight were males. The whole number under treatment was three hundred and ninety, of whom two hundred and seventy-three were males. The number discharged was seventy-seven, of whom sixty-six were males. The number of deaths was thirty-three, of whom nineteen were males. The whole number under treatment at the close of the fiscal year was two hundred and eighty, of whom one hundred and eighty-eight were males. More than half of these were from civil life. There have been two thousand three hundred and fifteen persons treated since the institution was opened, one thousand and sixty-four of whom were natives. The receipts during the past year amounted to one hundred and one thousand eight hundred and seventy-one dollars and ninety-five cents, (\$101,871 95,) and at its close there was a balance of two thousand four hundred and thirty-six dollars and sixty-nine cents (\$2,436 69) in the hands of the superintendent. Congress will, no doubt, cheerfully make the usual allowance for the support of the hospital. I recommend that an additional appropriation, for which an estimate has been submitted, be made for furnishing, lighting, and heating the unfinished part of the east wing of the main edifice, and for the purchase of land contiguous to the present grounds. The report of the board of visitors contains many interesting tables and an elaborate discussion of the proper treatment of persons afflicted with a peculiar form of insanity, of whom an unusually large number was admitted during the past year.

I have heretofore expressed my opinion of the admirable manner in which this institution has been conducted. Its present condition reflects the highest credit upon the accomplished superintendent and those associated with him in the administration of its affairs.

The Columbian Institute for the Deaf and Dumb is a private corporation. I referred to its history and its relation to the government in my last annual report. I respectfully invite attention to the views which I then had the honor to submit.

In addition to the payment of the charges for the education and maintenance of the pupils entitled to admission on the order of the Secretary of the Interior, Congress has advanced to this institution the sum of two hundred and sixty-four thousand and forty dollars and eighty-seven cents, (\$264,040 87.) There are now twenty-three pupils from the District of Columbia, and three who are the children of persons in the military service of the United States. By the acts of February 16, 1857, and May 29, 1858, Congress agreed to pay annually one hundred and fifty dollars (\$150) for the maintenance of each of such pupils. The directors requested an appropriation in gross for the support of the institution, instead of the payment for such pupils *per capita*. The act allowing such

charges should therefore be repealed, as Congress made the requested appropriation for that and the succeeding year, and it is confidently believed they will evince the same liberality for the ensuing fiscal year. At the last session the admission of ten pupils from the States to the collegiate branch of the institution was authorized, on the same terms and conditions as those prescribed by law to the residents of this District. This provision was annexed to the appropriating clause granting twenty-five thousand dollars (\$25,000) for the support of the institution and the purchase of books and apparatus. Nine pupils availed themselves of this privilege, thereby entailing an unexpected burden upon the resources of the institution. The directors request, on this account, an allowance of three thousand dollars, (\$3,000.) I have submitted an item therefor in the deficiency estimates for the current year. During the last fiscal year three pupils died, eleven were dismissed, and eight admitted. In accordance with the direction of the board of trustees, the president proceeded to Europe, to examine similar schools in Great Britain, Prussia, France, Germany, Belgium, Switzerland, and Italy. The result of his investigations is embodied in an able and interesting paper, which accompanies the report of the board.

The claims of such an institution are of the most imposing character. I am, nevertheless, of the opinion that when Congress shall have liberally provided for the indigent deaf mutes who reside in this District, or are the children of persons actually in the military or naval service, it will have fully discharged its duty, if not exhausted its constitutional power over the subject. The present buildings are more than sufficient for the ample accommodation of the government pupils. The board of directors, in addition to the school for the primary branches, desire to maintain a preparatory department, where the deaf mutes of the several States may be prepared for admission into the college proper. The studies in the latter will embrace as thorough and comprehensive a course of instruction in ancient and modern languages, and in the literary and scientific branches, as is furnished in the best American colleges. The indigent deaf mutes of the several States, who are competent to profit by these advantages, are to be maintained and instructed at the expense of the general government. It certainly was not the original intention of Congress to provide for the gratuitous instruction of these afflicted persons. If unable to incur the expenses of an education, they should appeal to individual munificence, or to that of the States in which they reside. The support of paupers is an appropriate subject of State legislation, and has never been regarded as falling within the province, or constituting a duty, of the general government. The arguments advanced to justify Congress in furnishing educational privileges for the indigent deaf mutes of a State would equally require a similar provision for the blind or lame, or those who, without natural infirmities, desire collegiate instruction, but are excluded by their poverty from obtaining it.

Should these views be regarded as erroneous, however, and Congress deem it their constitutional duty to establish and maintain a national deaf mute college, the United States should control it, and be vested with a title to the grounds purchased by their means for its uses. The erection of buildings required for the accommodation of all the students who may desire instruction and mainten-

ance free of charge will require a very large outlay, independent of the amount which, from time to time, must be advanced to meet the annual expenses of the institution. I take pleasure in adding that there is no other school in the country that surpasses this in the ability, zeal, and success with which the president and professors devote themselves to the intellectual and moral training of those committed to their care.

Congress, by an act approved June 1, 1866, incorporated the "Columbia Hospital for Women and Lying-in Asylum." It was established for the treatment of diseases peculiar to women, and as a lying-in asylum, in which board, lodging, medicine, and attendance should be gratuitously furnished to those unable to pay therefor. At the date of the report of the board of trustees there were seventy-one patients. During the past year four hundred and fifty-one women obtained admission to the asylum, or received from it assistance and medical treatment. Congress, on the 2d day of March last, appropriated ten thousand dollars (\$10,000) to aid in the support of this institution. The receipts from private donations were three thousand two hundred and eighty dollars and seventy-two cents, (\$3,280 72,) and from patients two thousand one hundred and fourteen dollars and eighty-eight cents, (\$2,114 88,) making an aggregate of fifteen thousand three hundred and ninety-five dollars and sixty cents (\$15,395 60.)

Congress has always given its sanction, and, whenever they could be properly bestowed, its pecuniary contributions to every well-considered benevolent enterprise adapted to supply the wants or promote the interests of the District of Columbia. This institution is a private corporation, and maintains the same relations to the government as the Columbia Institution for the Instruction of the Deaf and Dumb. The trustees have, however, determined to submit an annual report to the Secretary of the Interior, and to authorize, upon his order, the admission of patients whose indigence and helpless condition justify them in seeking eleemosynary aid. Few, if any, of the instrumentalities which the benevolence of the age has adopted, to alleviate human suffering or minister to human wants present stronger claims to public sympathy than institutions of this description. Although in its infancy, and with scanty means, this asylum has liberally extended to its beneficiaries skillful medical and surgical aid, and that considerate attention which their peculiar condition required. In consideration of the good already accomplished, and of the pressing necessity for extending the scope of its charities, the directors strenuously urge that it should be established upon a permanent basis. As that object cannot be attained solely by private benefactions, they request an appropriation by Congress of sixty thousand dollars (\$60,000) for the purchase of a site and the erection of buildings. I cordially recommend this request to favorable consideration; but if granted, the organic act should be so amended as to secure to the United States a title to the real estate purchased, and an efficient control over the institution.

The respective departments and officers of the national government, the executive departments of the several States and Territories, and the legally designated public libraries and educational institutions of the United States, have been furnished, as far as practicable, with those copies of statutes, books, and

congressional documents to which they are respectively entitled under existing laws. For a period of several years, on the completion of the printing and binding of the documents of a session of Congress, there have been delivered to the Department of the Interior four hundred and seventy complete sets of those which are known as "House documents," and only four hundred and twenty sets of "Senate documents;" thus placing in the custody of this department, after the close of each session of Congress, fifty sets of "House documents" without an equal number of "Senate documents." The statutes which relate to the printing, binding, and distribution of complete sets of public documents need revision.

In closing this report, I should do injustice to the officers of this department were I not to declare my high sense of the very efficient manner in which they have discharged their arduous duties. I respectfully refer to the views, in regard to their compensation, presented in the concluding portion of my last annual report, and earnestly invoke for them the favorable consideration of Congress.

I am, sir, very respectfully, your obedient servant,

O. H. BROWNING,

Secretary of the Interior.

The PRESIDENT.